

APPLICANT(S): CAPPOLA, Thomas. *et al.*
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REMARKS

Claims 1-30 are pending in the application. Restriction has been required as to one of the three groups of claims, identified as Groups I, II, and III. As characterized by the Examiner, Group I consists of claims 1-18, drawn to a method of predicting transplant rejection, Group II consists of claims 19-22, drawn to a medium having cRNAs, and Group III consists of claims 23-30 drawn to a kit for predicting transplant tolerance. In response, Applicants hereby elect for prosecution the subject matter of Group I (claims 1-18). Applicants hereby affirm the right to file one or more continuing applications directed to any of the non-elected subject matter.

Additionally, the Examiner asserts that Group I is further restricted by SEQ ID NO species and thus requires election of a species sequence. In response, Applicants hereby elect the species of SEQ ID NO: 12. Claim 9 (in part) encompass SEQ ID NO: 12.

Furthermore, the Examiner asserts that Group I is further restricted by cardiac transplant and allograft transplant and thus requires election of one of cardiac and allograft transplants. In response, Applicants hereby elect cardiac transplant. Claim 10 encompass cardiac transplant.

The Examiner further asserts that Applicants are required to elect four genes with increased expression and one gene with diminished expression. In response, Applicants hereby elect the four genes UQCRB, BTF3, ST13, and CUL4A for increased expression and the one gene CFLAR for diminished expression. Claim 2 (in part) and claim 14 (in

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part) encompass UQCRB, BTF3, ST13, and CUL4A and claim 4 (in part) and claim 16 (in part) encompass CFLAR.

It is our understanding that upon allowance of a generic claim, Applicants will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim, pursuant to 37 C.F.R. § 1.141.

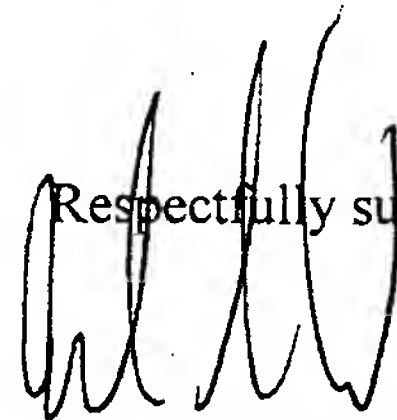
Applicants further note that, in accordance with MPEP 821.04, Applicants are entitled for rejoinder of product claims with process claims that are commensurate in scope with the product claims following a finding that the product claims are allowable.

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CONCLUSION

Should the Examiner have any question or comment as to the form, or content of this response, the Examiner is requested to contact the undersigned at the telephone number below.

No fees are due, however, if any fee is due, the undersigned hereby authorizes the United States Patent and Trademark Office to charge the fees to Deposit Account 50-3355.

Respectfully submitted,


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